

REMARKS

Claims 1-16 are pending in this application. By this Amendment, claims 1, 12, 13, 15 and 16 are amended. Support for the amended features can be found in Applicants' paragraphs [0069], [0070], [0085] and [0086], for example.

A Restriction and an Election of Species was required and Applicants elected Group I, claims 1-12 and Species E1, D and Da, with claims 1-16 readable on the elected species. It is improper for claims 2-4 and 7-11 to be withdrawn when Applicants elected the claims. Furthermore, the Office Action fails to respond to Applicants' argument and only generally argues that an undue burden is being placed to examine all of the claims.

As previously discussed, the Restriction and Election of Species Requirement has failed to establish that restriction between Group I, Group II, and Group III is proper under MPEP §§ 806.05(e) and 806.05(h). The Restriction and Election of Species Requirement has failed to allege that the apparatus of Group II or product of Group III can be used to practice another materially different process from that of Group I. The alleged capability presented in the Office Action is not present in the claims. Furthermore, the Office Action failed to identify mutually exclusive species.

Finally, claim 16 properly links at least Group I (process claims) and Group II (apparatus claims). Thus, in accordance with MPEP §809, at least claim 16 should be examined with elected Group I. If linking claim 16 is found allowable, at least Group II should be rejoined and allowed as well.

It is requested that the Examiner address the arguments presented in the April 28, 2006 response or withdraw the Restriction and Election of Species Requirement.

Claims 1, 5, 6, 12 and 16 were rejected under 35 U.S.C. §102(e) over Tomita et al. (Tomita) U.S. Publication No. 2003/0152231. The rejection is respectfully traversed.

Tomita fails to disclose an ID assigning method with the steps of assigning an ID necessary to update map data or a program in a navigation apparatus that performs route guidance based on recorded map data; and creating the ID unique to each apparatus based on present navigation apparatus information, the ID usable to acquire the release key, as recited in claim 1 and as similarly recited in claims 12 and 16.

Tomita fails to disclose all of the features recited in the independent claims because Tomita only provides an inherent identification code, and thus fails to create an ID unique to each apparatus.

In Tomita, individual portable terminals are provided with inherent identification codes, with the codes stored in the NV-RAM 34 (paragraph [0051]). A different user ID is allocated to an individual user who is permitted to use an image-forming apparatus 1 and a card in which the user ID is recorded is distributed to that user (paragraph [0052]).

When using the image-forming apparatus 1, a user inserts their card into the card reader 2, and the image-forming apparatus 1 receives the user ID and transmits a polling command. After receiving the polling command, the portable instrument 3 automatically sends back an identification code. The identification code sent back from the portable instrument 3 recognizes that an owner of the portable instrument 3 exists nearby. This information corresponds to position information. In the meantime, the portable instrument 3 acquires its own current position information by communicating with a base station system 4 (paragraph [0054]).

Accordingly, Tomita fails to disclose all of the features recited in the independent claims because Tomita only discloses determining whether an owner of a portable instrument 3 exists nearby based on position information when verifying whether use of electronic equipment is permitted. Tomita fails to create a unique ID based on position information or present navigation apparatus information as recited in the independent claims.

It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

Jesse O. Collier
Registration No. 53,839

JAO:SMS:JOC/mef

Date: October 10, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--